(b) NON-OFFICIAL BILLS

(1) The Cochin Christian Succession Act (Amendment) Bill

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, under S. O. 36, I beg to present the Select Committee Report on the Cochin Christian Succession Act (Amendment) Bill. I do not propose to move for the further consideration of the Bill during this session.

(2) The Cochin Prevention of Food Adulteration Act (Amendment) Bill

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: Sir, I move that the Cochin Prevention of Food Adulteration Act (Amendment) Bill be read in Council.

Mr. M. L. Joseph *(Latin-Christians-Cranganur)*: I second it.

***Mr. K. R. Viswambharan** *(Ezhuvas-Talappalli)*: Sir, as is stated in the objects and reasons appended to this Amendment Bill this is a Bill which is sought to benefit the arecanut cultivators of Cochin State. Arecanut is one of the most important agricultural products of Cochin and in Talappalli, Trichur and Mukundapuram Taluks a vast majority of the agriculturists, I may say so, are cultivating areca palms. Recently, there has been a fall in the price of the areca and that is due to some varieties of adulterated stuff dumped in the market by some unscrupulous traders.

Mr. A. V. Moothedan *(Chalakkudi)*: On a point of order has the word "areca" been included in the term "Food".

Mr. President: In the Madras Act "chewing" is included in the definition.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: Due to the fact that some unscrupulous merchants dump our market with curious articles, the arecanut cultivators are very seriously affected, and this Bill remedies such practices in the arecanut market. As the Hon'ble President remarked, the Madras Food Adulteration Act has been amended so as to include arecanut within the definition of "Food". So in the interest of the cultivators of Cochin State I commend this Bill for the acceptance of this House.

Mr. C. V. Iyyu *(Kunnamkulam)*: I support the motion. This has been a menace to the arecanut industry. Tapioca, sweet potatoe and other articles are freely used to manufacture a sort of false areca. This is mainly imported into Cochin from the Ponnani Taluk in British Malabar District. There they cannot adulterate and sell this variety because there is the Madras Act, with the result the markets at Ottupara and Trichur have been found to be suitable places where this curious material could be dumped as good chewing material with the result that many of the merchants who come from the Tamil Districts are not very enthusiastic to have transaction in the local market because of the bad variety of arecanut they get. Unless this Act is amended as suggested by the Hon'ble Member for Talappalli Ezhuvas, the industry will suffer very greatly with the result the agriculturists will get only very low price for the commodity. Sir, I, therefore, support the motion for introduction of this Bill.

***Mr. C. R. Iyyunni** *(Trichur-South)*: Sir, I wish to state that it is not proper that arecanut should be brought under the category of "food" in the first place. The food, it is stated by expert medical man, is intended for two purposes. One for the purpose of repairing and building up of the tissues in the body. In the second place it is intended to generate heat in the system so that the engine must work.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: I do not want everybody should eat arecanut hereafter. That is not the purpose of the Bill.

Mr. C. R. Iyyunni *(Trichur-South)*: Now when we put that argument and bring that under the definition of "food" it itself becomes food. When we say that arecanut should be brought under the term "food" and the purpose for which food is intended, arecanut does not serve any purpose. I think there would be absolutely no difficulty for persons who bring arecanuts in any manufactured form, for they sell the article under the name of arecanut. I can understand the charge of cheating. On the other hand, this adulterated arecanut in any manufactured form, when brought and sold, what are they going to do with the real material? They cannot find a market. If it is sold, it will come under the Food Adulteration Act. The real difficulty is this. Suppose they are making some kind of material out of either *madhura kizhangu* and such other things and they want to find a market for it. What can they do? Can they sell it in that form. If it is sold he will be infrinching against the law. What are they to do? As the law stands at present there is no difficulty. The whole point turns upon the question whether this is food. If it comes under the term "food", certainly it is all right. But it should not come under the term "food." They say that it is not arecanut but it is something

*Speech not corrected by the Hon'ble member.

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else for the purpose of chewing. Why not they do it? Even according to the Cochin Penal Code, there is provision for dealing with a man who sells an article saying that it is something different.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: If cocoanut oil is mixed with ghee the same law can be applied.

Mr. C. R. Iyyunni *(Trichur-South)*: You can sell ghee without the addition of anything else. The difficulty is if cocoanut oil is mixed with ghee, then it will come under this Act. Ghee is a food and so also cocoanut oil. But can this be considered as food? If it cannot be considered as food certainly this is not correct. If one article is sold for another, certainly he can be prosecuted under the Cochin Penal Code. I beg to submit that it is not the proper procedure at all and this cannot be brought under the term "food".

Mr. V. J. Mathai *(Planters)*: With due deference to the Hon'ble Member for Trichur I don't find that there is any force in his argument. He has been drawing a very subtle hyper-technical distinction. Food is put into the mouth and if that definition is allowed we can say that arecanut is also a food. As regards the very fine question as to whether part of that will get into the bowels it is a very fine subtle distinction. If the man is sleepy part of it will go into the system. So that I think that hyper-technical distinction can be dropped. Then the second definition is that food must generate heat. It is a very fine question whether chewing of arecanut will generate heat in the system. I think the Chief Medical Officer can give us some information. It is very likely that the process of moving the muscles may generate heat.

Mr. C. R. Iyyunni *(Trichur-South)*: That is the main purpose for which food is intended. In the process of eating other things, heat may be created or generated. Whether that is the intention is the point.

Mr. V. J. Mathai *(Planters)*: On the excellent authority of the Hon'ble Member for Kunnamkulam, some women eat arecanut. That is food for them. The Hon'ble Member for Chittur says that some men also eat. The broad point is this. So far as this fine, subtle distinction is concerned, we can drop it if some purpose is served. The Hon'ble mover referred to one thing as to how the purchasers will be affected and those who eat it will be affected. There is another aspect of the question. Our brothren in Tamil parts who buy arecanut get something else in lieu of arecanut. That is a more serious aspect of the question. The second aspect of the question has to be considered. Our honesty and integrity will suffer. The whole moral tone of the State suffers. We will be considered as cheats. All the persons who eat will also suffer.

Mr. C. R. Iyyunni *(Trichur-South)*: No body suffers.

Mr. V. J. Mathai *(Planters)*: The argument raised applies to the whole Food Adulteration Act. If the offence of cheating can be brought home to everybody who mixes something with the food material and passes bad material for good, I suppose the whole argument will apply equally to the whole basis underlying the Food Adulteration Act. Therefore, there is no force in that. The only thing that we ought to consider is whether it is evil, and if it is evil, we can possibly chop that evil altogether, even in its very inception. If I remember the procedural section under the Food Adulteration Act rightly, my memory is that more expeditious and better methods are available in the matter of Food Adulteration Act. The cases are detected by police officers. Every police officer is bound to charge the case. They come under the ordinary Nuisance Act and they are charged before the Bench Magistrate. More expeditious and efficacious remedy is there. There are the Sanitary Inspectors to watch over the matter. Where these procedural methods cannot be applied, a regular complaint has to be filed and then the vast expenditure underlying the criminal case has to be incurred. The whole question is whether it is efficacious. The first question is, whether it is an evil, from the point of view of the whole market, the purchaser, the merchant as well as the consumer. And then if it is an evil, it should be stopped. I am wholeheartedly in support of the Bill. I do not know whether the drafting is perfectly alright. We will be relying upon the Legal Remembrancer to tell us whether the drafting is alright. If there is any deficiency in such cases, it may go to the Select Committee. Otherwise certainly not.

*Mr. M. L. Joseph *(Latin Christians-Cranganur)*: I rise to support the Bill. In doing so, I can appreciate the genuine apprehension under which my Hon'ble friend, Mr. Iyyunni is labouring. Of course, he thinks by passing this Amendment Bill, this arecanut will be classed among food-stuffs and naturally perhaps he is afraid that in case a shortage of rice happens—Government has also asked us that we may have to eat tapioca in case there is shortage of rice—my Hon'ble friend is under a genuine misapprehension that perhaps we may be asked to eat

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arecanut also. It may be on account of this reason that he is terribly afraid and rather worried to know whether this also will be included among food-stuffs.

Mr. C. R. Iyyunni *(Trichur-South)*: Probably it is you people who will suffer.

Mr. M. L. Joseph *(Latin Christians-Cranganur)*: We can somehow or other manage by eating tapioca. My friend is under a genuine misapprehension that this will come under food materials and we will be forced to eat it also. I can assure him that no such thing will happen even if there is going to be shortage of rice.

Mr. A. V. Moothedan *(Chalakkudi)*: I oppose this motion. The primary object of the Food Adulteration Act is to preserve the nation's health. That was the fundamental and main object of the Act. By food what was generally understood was milk and ghee. And it is a common practice in Madras and other Cities to mix ghee and milk with other things and this is sold in the open market. To stop that practice this law was enacted there. People who use the adulterated stuff get sick. I have no objection for the Bill, but what I say is, it is not in proper form. But why should we add it to the Food Adulteration Act? I am not prepared to give arecanut the same position as milk or ghee. Food and milk are essential for the nation's health. What is the use of arecanut? My friend says some people eat arecanut. Some people eat arsenic. Some people eat small doses of opium. When you say it is an eatable, I cannot agree with you. I have no quarrel with the Bill. If it is for a commercial purpose to protect arecanut, I can support this. But put it in a different form: Cochin Arecanut Adulteration Act—should be the principal Act, not an amending Act. You can have a separate Act. Otherwise, people will misunderstand us. Cochin is not without common sense to treat arecanut as "food". Therefore this Food Adulteration Act should not be spoiled.

Mr. T. K. Nayar *(Minister for Rural Development)*: I will just read the identical section in the Madras Public Health Act. There, "food" includes every article consumed or used by a man for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such articles and shall also include flavouring and colouring matter and condiments.

Mr. V. K. Bhaskara Menon *(Cranganur)*: It is a Public Health Act. It is not Food Adulteration Act.

Mr. T. K. Nayar *(Minister for Rural Development)*: Your point was that arecanut should not be included in the definition of food. That was your main reason for opposing the Bill. Here I say in the Madras Act, in the definition for food, this chewing material is included. That is my point. Let it be any Act. You were on the definition of the word food and that arecanut should not be included in the word food. I was able to understand only this way. I hope the objection is not against amending the Food Adulteration Act.

Mr. C. R. Iyyunni *(Trichur-South)*: What I was saying is that this is not the proper place where this should be placed. This is Food Adulteration Act. It is intended for that special purpose. If you bring in arecanut also, the procedure will be different, because that is a thing which will vitally affect the health of the people. That is why I say it should not be brought under the Food Adulteration Act. I have objection to it.

Mr. T. K. Nayar *(Minister for Rural Development)*: This is a Food Adulteration Act. There, the definition of "food" takes in every article used by man for food or drink. That is what is included here, whereas in the Madras Act, chewing also is included. If it is in the Public Health Act, will the meaning of the word be changed?

Mr. C. R. Iyyunni *(Trichur-South)*: The procedure also will be considerably different.

Mr. T. K. Nayar *(Minister for Rural Development)*: To me, a non-lawyer, I think in the definition of Food in the Madras Act, chewing is included. Here in our definition, if chewing also is included, this difficulty will be overcome.

Mr. V. J. Mathai *(Planters)*: Will the Hon'ble the Legal Remembrancer read the section?

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer)*: There, in the definition of "food", chewing is not included.

Rama Varmha Tampuran *(Secretary to Government)*: But that does not in the least matter. What is the Public Health Act intended for? It is to see that bad food is not served. So long as food is under Public Health Act, and so long as Public Health Act is intended to see that good food alone is served, in whatever form it may be, and so long as we eat chewing materials, what is there wrong in including arecanut also?

Mr. V. J. Mathai *(Planters)*: There is a famous example that man includes woman.

Rama Varmha Tampuran *(Secretary to Government)*: There is absolutely nothing wrong at all in making this amendment.

Mr. A. V. Moothedan *(Chalakkudi)*: What is the definition given in the Madras Food Adulteration Act?

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*Mr. P. Govinda Menon *(Mulakunnathukavu)*: Sir, after hearing both sides of the question, I think there is absolutely nothing in the objection raised to the amendment from a lawyer's standpoint. The Cochin Prevention of Food Adulteration Act is itself an Act enacted for the purpose of public health. It is a Public Health Act. The preamble of the Act reads like this: "Whereas it is expedient in the interest of public health to prevent adulteration of food, it is enacted as follows." Although there is a separate Public Health Act for Madras, and also there is none such in Cochin, the Prevention of Food Adulteration Act in our State has been enacted for the purpose of the promotion of public health here. The object of the Act is to see that these things which are described as food are not adulterated and sold to the public as genuine article. Now, when the word, "food" is defined in a certain statute in a certain way, it does not follow, that what is conceived of or understood as food by the layman or the scientist is the thing contemplated by the statute. For several purposes and for several occasions, things which are considered to be food by the layman may not be included as food here in the Act, and food under the Act may not be food as understood by the layman. Now, the definition of food as it stands in the Prevention of Food Adulteration Act in Cochin at present is the same as in the Madras Public Health Act, if you remove the word "chewing material". Food includes every article, other than drugs or water used by man for food or drink and all materials used or admixed in the composition or preparation of such articles and includes also flavouring materials and condiments. You will find, Sir, that certain drugs which may in certain cases be considered as food are excluded from this Act for the obvious reason that for the adulteration of drugs, there is a separate Act. In the same way, although chewing materials may not be food for the common understanding, in the way it is commonly understood, I see no reason and no objection why this legislature should not, if it thinks it is necessary, amend the definition of the word "food" as to include chewing materials also. Legally and technically, I don't find any difficulty or objection in amending the definition of food to include chewing materials if, as a matter of fact, the trouble or the vagaries in the arecanut market referred to by some of my Hon'ble friends actually exist. I take it that such adulteration is going on from the statements made by some of the Hon'ble members who know this matter intimately. Therefore, I have great pleasure to support the amendment of the Food Adulteration Act, introduced by my Hon'ble friend, Mr. Viswambharan. There can be no doubt whatsoever that if arecanut which is used by several people as chewing material is being adulterated in the way referred to by the learned friend, the legislature should interfere and prevent it. With these few words, I support the motion.

Rama Varmha Tampuran *(Secretary to Government)*: There is one more point which I may mention at this stage. Even under the Public Health Act, food includes chewing materials. There is a separate chapter to deal with food control. Therefore, the Madras Public Health Act is not an Act excluding food control. It includes food control. And there you find food defined as that. There is absolutely nothing wrong in our Act also, taking in chewing materials as part of the food, especially since there is no separate Public Health Act. And the simplest and correct procedure is to amend the definition of the food on the lines of the Madras Public Health Act which contains a separate chapter, Chapter 12, for food control. There is nothing inconsistent at all and by this no wrong procedure is going to be brought in. In any way, no difficulty will arise by the amendment the Hon'ble Minister has moved. It is a simple procedure and meets the situation squarely. There is nothing irregular in this definition, if food control is really a chapter of the Public Health Act, in which this definition is taken in or accepted.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: Has the Hon'ble Minister formally moved the amendment?

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer)*: The amendment will be moved at the consideration stage. We are only at the stage of introduction.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Prevention of Food Adulteration Act (Amendment) Bill."

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: I move that S. O. No. 32 be suspended.

Mr. A. V. Moothedan *(Chalakkudi)*: There is a convention that if it is opposed, the Standing Order need not be suspended.

Mr. President: Not suspended.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: Then I withdraw.

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*Speech not corrected by the Hon'ble member.

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